

60,469-025; OT-4739

REMARKS

Claims 1, 14, and 27-33 remain pending in the application including independent claims 1 and 27. Claims 2-13 and 15-26 have been cancelled.

Claims 14 and 30 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the examiner argues that the specification does not disclose the escalator machine being covered entirely (on all sides, not just on both sides) by the steel sheet modules. The examiner is reading the phrase "the entire escalator machine" out of context of the remaining claim language. It is clear from the language of claim 14, and claim 1 from which claim 14 depends, that the entire side of the escalator machine is what is enclosed by the steel module. Similarly, it is clear from the language of claim 30, and claim 27 from which claim 14 depends, that the entire side of the escalator machine is what is enclosed by the steel module.

Thus, applicant asserts claims 14 and 30 are fully compliant with 35 U.S.C. 112, first paragraph. However, in order to address the examiner's concerns, applicant has amended claims 14 and 30 to clarify that the module covers an entire side of the escalator machine. Applicant asserts that the rejection under 35 U.S.C. 112, first paragraph, has been fully addressed and requests that the rejection be withdrawn.

Claim 32 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the examiner argues that there is no antecedent basis for the phrase "other portions of the rise." Applicant disagrees. Applicant has claimed that the "module is welded to other portions of the rise." Applicant has not claimed "the other portions of the rise" (emphasis added). The term "rise" is affirmatively recited in claim 1, from which claim 32 depends, and

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"other portions" of the rise thus has proper antecedent basis. No amendment to the claim is necessary to address this rejection. Applicant asserts that the rejection under 35 U.S.C. 112, second paragraph, has now been fully addressed and requests that the rejection be withdrawn.

Claims 1, 14, and 27-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gschwendtner 6,374,981. The examiner admits that Gschwendtner does not disclose the steel sheet being continuous and unbroken, but refers to the embodiment of Figure 8 that discloses a solid plate. The examiner argues that Gschwendtner teaches that screw connections could be replaced by welding means, and this is what provides the motivation of having a solid plate with a continuous unbroken surface. The examiner refers to column 3, lines 44-46 of Gschwendtner to support this motivation.

This section of Gschwendtner specifically refers the embodiment set forth in Figure 5 and does not make reference to the embodiment shown in Figure 8. In Figure 5, opposing struts 14 are mounted to an intermediate member 16 with a screw connection 15. This configuration is very different than that described in Figure 8. The description in Gschwendtner regarding Figure 8 only makes reference to a double wall configuration with supplementary wall supports 21 that face basic wall supports. The supplementary wall support 21 is provided with passage openings 22 and is connected with the basic wall support with screws.

Again, there is no reference to replacing screws with welding in Figure 8. Further, the screw connection interface, indicated by centerlines at the top and bottom of Figure 8 where the supplementary wall support 21 overlaps the basic wall support, is spaced apart from the passage openings 22. The passage openings 22 are not openings for screws, as the passage openings 22 do not line up for an attachment interface with the basic wall support. Thus, even if the screw

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connections of Figure 8 could be replaced with welding, the passage openings 22 would still remain in the supplementary wall support 21. Thus, even if Gschwendtner could be modified in the manner presented by the examiner, there still would be no teaching of a steel sheet presenting a continuous, unbroken and generally planar exterior surface from the top edge to the bottom edge and between the side edges, as set forth in claim 1.

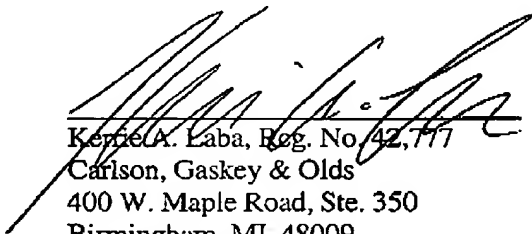
For similar reasons claim 27 is allowable over Gschwendtner. Applicant asserts that the obviousness rejection of claims 1, 14, and 27-33 based on Gschwendtner is improper and respectfully requests that the rejection be withdrawn.

Claims 1 and 27-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kneipp in view of Gschwendtner. Specifically, the examiner argues that it would have been obvious to have made the Kneipp wall panels out of the steel sheets as taught by Gschwendtner. For the reasons set forth above, Gschwendtner does not disclose, suggest, or teach a steel sheet presenting a continuous, unbroken and generally planar exterior surface from the top edge to the bottom edge and between the side edges, as set forth in claims 1 and 27. Kneipp does not make up for the deficiencies of Gschwendtner.

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Applicant asserts that all claims are in condition for allowance and requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this Amendment relating to Application No. 09/853,339 is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on April 27, 2005.


Laura Combs

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